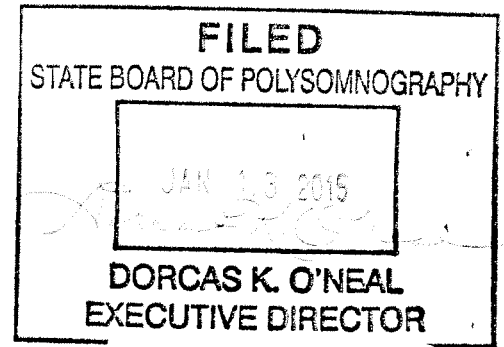


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49FW00042500

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
Board of Polysomnography

IN THE MATTER OF SUSPENSION  
OR REVOCATION OF THE LICENSE OF

ESTELLE MURPHY  
LICENSE NO. 49W00042500

TO PRACTICE POLYSOMNOGRAPHY  
IN THE STATE OF NEW JERSEY

Administrative Action

AMENDED CONSENT ORDER

This matter was opened to the New Jersey State Board of Polysomnography upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusions of law.

#### FINDINGS OF FACT

1. Respondent, Estelle Murphy, is a Polysomnographic Technologist in the State of New Jersey. She was previously licensed as a Polysomnographic Technician.

2. On September 16, 2014, Ms. Murphy appeared before the Board to answer questions regarding an allegation of unlicensed practice which was received by the Board. Ms. Murphy admitted that while working as a Polysomnographic technician she allowed her license to expire in April 2013, however continued to practice as a technician. She admitted that she knew the license would expire in April of 2013. She claimed she did not know that the technician license can only be renewed one time. She explained that even after her license expired she was allowed to continue to work by her supervisor Catherine French. Since she did not renew her license within 30 days, her license was deemed suspended pursuant to N.J.S.A. 45:1-71(b) and she is deemed to be engaged in the unlicensed practice of Polysomnography. She continued to work until she was placed off-duty without pay by Holy Name Medical Center on April 17, 2014. She thereafter obtained her license as a technologist on May 15, 2014.

#### CONCLUSION OF LAW

1. The aforesaid findings of fact provide grounds for the suspension or revocation of Respondent's license to practice Polysomnography in New Jersey pursuant to N.J.S.A. 45:1-21 (e) and (h) in that Respondent engaged in professional misconduct as determined by the Board by practicing Polysomnography with a license which expired more than 30 days and therefore engaged in the

unlicensed practice of Polysomnography pursuant to N.J.S.A.  
45:1-7.1(b).

2. The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Estelle Murphy, acknowledges that her conduct as previously set forth constitutes grounds for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) and (h), and it further appearing that Respondent has read the terms of this Order and understands their meaning, consents to be bound by same, and it further appearing that the Board finds that the within Order is adequately protective of the public interest and that good cause exists for entry of the within Order.

IT IS Therefore, on this 13<sup>th</sup> DAY OF January, 2014 <sup>2015</sup> ~~2014~~ *de*  
ORDERED AND AGREED THAT:

1. Respondent's license to practice Polysomnography in the State of New Jersey be and hereby is suspended for a period of six (6) months, except that said suspension shall be stayed and become a period of probation. Such stayed period of suspension shall be activated upon any showing of Respondent's non-compliance with any of the terms and conditions set forth herein.

2. Respondent shall, at her own expense, fully attend and successfully complete and unconditionally pass the PROBE (Professional Problem Based Ethics) course offered by the Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or

the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903 or any other course of similar rigor pre-approved by the Board. The course shall be taken on or before May 31, 2015. Documentation of the full and successful completion of the course shall be provided to the Board within thirty (30) days of its completion.

3. A civil penalty in the amount of one thousand dollars (\$1,000) shall be assessed against Respondent for her violation of N.J.S.A. 45:1-21(b), (e) and (h). Respondent shall also pay costs in the amount of \$391.00 by certified check, money order, wire transfer or credit card, payable to "State of New Jersey", delivered or mailed to Dorcas O'Neal, Executive Director, State Board of Polysomnography, 124 Halsey Street, P.O. Box 45014, Newark, New Jersey 07101. Payment shall be made contemporaneously upon the signing of this Consent Order.

4. Failure to comply with the provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
POLYSOMNOGRAPHY

By: 

Sara Gallagher  
Board Chairperson

I have read and I understand the terms of this Consent Order and agree to be bound by it. Consent is hereby given to the Board to enter this order.

Estelle Murphy  
Estelle Murphy

1-6-15  
Date

Consented to as to form and entry:

Carl M. Losito  
Carl M. Losito, Esq.  
Attorney for Estelle Murphy